

UNITED STATES DISTRICT COURT

for the

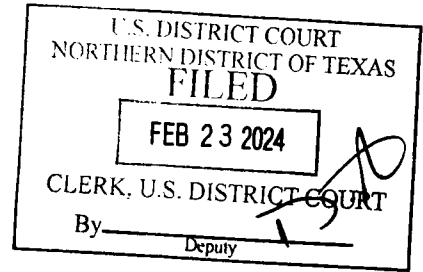
Northern District of Texas

United States of America
v.

Nickolas O'Brien

Defendant(s)

Case No. 2:24-MJ-20



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 16, 2024 in the county of Randall in the
Northern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18, United States Code,
Sections 922(g)(1) and 924(a)(8)

Possession of a Firearm by a Convicted Felon

This criminal complaint is based on these facts:

see attached affidavit in support of complaint.

☒ Continued on the attached sheet.


Complainant's signature

Andrew Kreusel, FBI TFO

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone
(specify reliable electronic means).

Date:

2/23/2024


Judge's signature

City and state:

Amarillo, Texas

Lee Ann Reno, U.S. Magistrate Judge

Printed name and title

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Cause No. 2:24-MJ-20

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Andrew J. Kreusel, being duly sworn, depose and state under oath as follows:

Introduction

1. I am a licensed peace officer employed by Amarillo Police Department and have been since December 2014. Additionally, I am a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) and am assigned to the Dallas Division, Amarillo Resident Office, Amarillo, Texas. As a TFO, I am assigned to the West Texas Anti-Gang Safe Streets Task Force. My duties as a TFO include, but are not limited to, investigating violations of federal and state laws involving drugs, gangs, and weapons. I have been involved with multiple investigations of illegal narcotics trafficking and illegal drug smuggling and have specialized training which has been completed through the Amarillo Police Department, Midwest Counterdrug Training Center, and the Texas Narcotics Officers Association. I have been involved in several investigations of illegal contraband and have specialized training and knowledge in investigating the illicit smuggling, transportation, and trafficking of narcotics in violation of Title 21, United States Code, Section 841(a)(I).

2. Additionally, I am familiar with federal laws, including Title 18, United States Code, Section 922(g)(1), which makes it unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm or

ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Probable Cause

3. On Friday, February 16, 2024, Amarillo Police officers were aware of a subject named Nickolas Obrien who was wanted out of Potter County Texas for the charge of Robbery. Officers received information that Obrien was staying at 3308 S. Monroe Street (Rear) and conducted surveillance on the residence.

4. At approximately 1:50 PM, Obrien was seen exiting the residence and getting into a white Nissan Murano which was parked near his residence. Officers moved in to arrest Obrien. Upon seeing officers, Obrien made movements towards the front driver's area of the Nissan and disappeared from officer's view. He reappeared and had his hands up but was uncompliant with officers. He was eventually taken to the ground and was taken into custody for his felony warrant.

5. Officers searched Obrien's person incident to arrest and was found in possession of methamphetamines and marijuana. Officers could see in plain view a small handgun sticking out from under the front of the driver's seat. The firearm was recovered and found to be a SCCY Industries CPX-2 9mm SER#C330175. The firearm was loaded with twelve (12) rounds in the magazine and one (1) round in the chamber.

6. During an interview, Obrien said the car belonged to his sister, but he had put the gun under the seat when he saw officers approaching him. He admitted to possessing the firearm by saying that he has possessed the firearm and manipulated on several occasions. He said the gun belongs to his sister and the reason he has handled it and

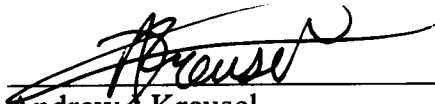
manipulated it was to show his sister how to use it. Obrien admitted that he was aware that he was a felon and therefore unable to possess a firearm legally. Obrien said he was only barrowing his sister's vehicle and did not think it was a big deal to have the firearm in there even though he knew he was not allowed to possess a firearm.

7. Law enforcement interviewed Obrien's sister later the same day to release the vehicle keys to her and speak to her about the firearm. Obrien's sister said she does allow her brother to use her vehicle, but she said she has no knowledge of a firearm in her car. She said she has never handled or manipulated a firearm and that she does not own one.

8. Utilizing open-source searches, the firearm was not manufactured in the state of Texas and therefore traveled in or affected interstate commerce. Obrien is a convicted felon and is prohibited from possessing a firearm.

Conclulsion

9. Based on my training, education, and experience, and the information provided to me, there is probable cause that Nickolas Obrien violated Title 18, United States Code, Section 922(g)(1), which makes it unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate commerce, or possess in or affecting commerce, any firearm or ammunition, or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

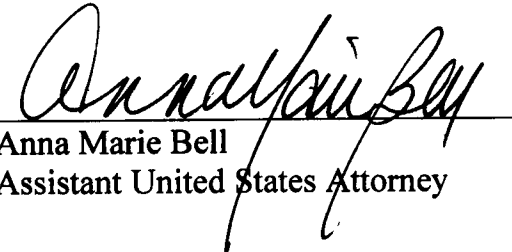


Andrew J Kreusel
Task Force Officer
Federal Bureau of Investigation

Attested to by telephone in accordance with the requirements of Fed. R. Crim. P. 4.1 on
this 23rd day of FEBRUARY, 2024.



LEE ANN RENO
U.S. MAGISTRATE JUDGE



Anna Marie Bell
Assistant United States Attorney